

# Notice of Allowability

Application No.

10/785,680

Examiner

Sanza L McClendon

Applicant(s)

KROHN, ROY C.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/22/2004.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/14/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. In response to the Amendment received on November 12, 2004, the examiner has carefully considered the amendments. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claims 4, 9-10 and the claim rejection under 35 USC 112, first paragraph for claims 29-30 have been overcome by the amendment and has hereby been withdrawn for consideration.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on November 22, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,716,893 has been reviewed and is accepted. The terminal disclaimer has been recorded.

## EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Proscia on December 17, 2004.

The application has been amended as follows:

In claim 1, last line, please delete the word "*compounds*" and insert the word "*solvents*".

### *Response to Arguments*

4. Applicant's arguments, see amendment, filed November 22, 2004, with respect to claims 17-30 have been fully considered and are persuasive. The rejection of claims 1-3, 5, 7-8, 12-17 and 19 under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being unpatentable over Heil et al (US 4,666,783; 4,559,118, and 4,557,813) has been withdrawn. The specific limitation to the less than 5 weight percent of volatile organic compounds in the claims distinguishes the instant application over the

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prior art. While Heil et al teaches a similar composition, Heil et al does not expressly teach and/or fairly suggest preparing a composition with less than 5% organic volatiles. Heil et al teaches the addition of THF to the compositions and describes evaporating volatiles in the examples with a drying step before radiation curing the composition. Additionally, in the examiner's opinion it would not have been obvious for a ordinary skilled artisan to prepare a photocurable ferromagnetic composition comprising an epoxy acrylate oligomer in amounts between 2 and 6% by weight, with an isobornyl acrylate monomer in amounts from 15 to 25% by weight, in combination with 20 to 60% by weight of a ferromagnetic powder and a photoinitiator. Although photocurable ferromagnetic compositions are known in the prior art, the prior art fails to teach such a low amount of epoxy acrylate, usually the epoxy acrylate is added in amounts from at least 16 up to 45% by weight. For instance, Heil et al teaches magnetic recording media which comprises electron beam curable ferromagnetic compositions comprising epoxy acrylate prepolymer and isobornyl acrylate monomers with organic solvents, however the prepolymer are taught in amounts from 16 weight percent and above without a photoinitiator. There is not teaching and/or suggestion to lower the amount of epoxy acrylate prepolymers to a range between 2 and 6% by weight.

*Allowable Subject Matter*

5. Claims 1-19 are allowed.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

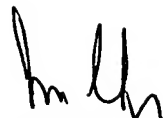
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